

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1520 of 1997

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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PATEL PRAHLADBHAI BHAGWANDAS

Versus

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PATEL POPATLAL NATHALAL

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Appearance:

MR YV BRAHMBHATT for Petitioner  
RULE SERVED for Respondent No. 1, 9,10  
SERVED BY AFFIX.-(R) for Respondent No. 5

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 10/12/1999

ORAL JUDGEMENT

1. This is a revision under section 115 of CPC at the instance of the original plaintiff no.1 in the suit. The plaintiff of the suit had, by Exh.5 therein, prayed for a temporary mandatory injunction against the defendants, which was granted by the trial court.
2. The defendants therein filed a Civil Misc. Appeal

under Order 43, Rule 1, CPC, which was allowed by the lower appellate court, whereby the injunction granted by the trial court was vacated.

3. It is the order of the lower appellate court which is the subject matter of the present revision at the instance of the original plaintiff no.1.

4. As a result of the hearing and discussion it appears to me that the controversy raised in the present revision is mainly academic, and interests of justice would not necessarily be served by deciding the same on merits, particularly since the same arises from a consideration of whether the original plaintiffs would or would not be entitled to the temporary injunction as prayed for in Exh.5 in the suit. It may be noted that interim relief has been granted in the present revision whereby the judgement and order of the lower appellate court has been stayed i.e. the injunction issued by the trial court has been continued. On the facts and circumstances of the case I am of the opinion that interests of justice would best be served by directing the trial court to dispose of the pending suit as expeditiously as possible particularly since the suit has been filed in the year 1995.

5. Accordingly the trial court is directed to hear and dispose of Regular Civil Suit No.307/95 as expeditiously as possible and in any case not later than 31st March 2000. It is clarified that the interim order granted in the present revision shall continue to operate till the said suit is decided. This revision is accordingly disposed of with no order as to costs. Yadi to be sent to the trial court forthwith.

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